

PROBABLE CAUSE FOR ARREST AFFIDAVIT

FDLE CASE NO.: JA-20-0068
Florida Department of Law Enforcement

JUDGE:

SAO No.:
Division:

FILED IN THE OFFICE OF THE CLERK OF CIRCUIT COURT Flagler County, Florida	
MAR 26 2014	
By _____	Deputy Clerk
Paper No. _____	

STATE OF FLORIDA)
COUNTY OF FLAGLER)

Before me the undersigned Judge of the Seventh Judicial Circuit, in and for Flagler County, Florida, personally came Special Agent Veronica Edwards, who, being duly sworn deposes and says that she has reason to believe and does believe that:

MICHAEL GERARD STAVRIS, II, described as follows:
Race: White; **Sex:** Male; **DOB:** 03/09/1984; **Ht:** 6'03";
Wt: 400 ; **Hair:** Brn; **Eyes:** Brn ; **Scars:** Unk., **Marks:** Unk.
L.K. Address: [REDACTED]

committed the following crimes in Flagler County, Florida, from November 25, 2012 to November 28, 2013:

847.0135(2)(a) Computer Pornography and Child Exploitation Prevention Act

817.568(2)(a) Criminal use of Personal Identification Information

Affiant's reasons for so believing are set forth hereinafter.

Your Affiant, Special Agent Veronica Edwards, has been employed as a Sworn, Special Agent, with the Florida Department of Law Enforcement for over two years and is currently assigned to the Cyber/High Tech Unit. Prior to working for the Florida Department of Law Enforcement, your Affiant was employed with the Office of the Attorney General's Child Predator Cybercrime Unit for over three and a half years. Your Affiant has over 16 total years of law enforcement experience and holds a Bachelor of Science degree in criminology from Florida State University. Your Affiant is a member of the North Florida Internet Crimes Against Children (ICAC) Task Force and served on the Federal Bureau of Investigation's Child Exploitation Task Force, previously known as the Computer Crimes Task Force, for six years.

Your Affiant has received training and attended seminars in the areas of specialized investigative techniques, including but not limited to: ICAC Investigative Techniques, ICAC Undercover Chat Investigations, Online Grooming, Interview and Interrogation Techniques, Child Victim Interviews, Facebook for Law Enforcement, Basic Data Recovery and Acquisition and Intermediate Data Recovery and Acquisition. Your Affiant has conducted and participated in investigations involving undercover chat sessions, child sexual solicitation, the receipt, transportation, distribution, and possession of child pornography, and identity theft.

On December 3, 2013, your Affiant was assigned to investigate a complaint regarding the use of a fictitious Facebook profile of a 16 year old girl to contact teenage boys and request nude pictures.

On that date, your Affiant spoke with Shonna Foster. Foster stated that on November 28, 2013 she learned that Michael Stavris, who was her live-in boyfriend at that time, had created a fictitious Facebook profile using her 16 year old daughter's name and image. The fictitious Facebook profile was "dallas.brown.5891" herein referred to as the "Facebook profile". Foster's daughter's name [REDACTED] herein referred to as "D.B."

On November 28, 2013, Foster stated she met with Stavris, who admitted to her that he created the Facebook profile. At Foster's request, Stavris provided Foster the login email and password for the Facebook profile.

According to Foster, she then went home and logged onto the Facebook profile using the information provided by Stavris. Foster observed the Facebook profile had communicated with classmates of D.B. Foster saw a picture of a penis and noticed in the conversation that the Facebook profile had requested the penis picture. In this conversation, pretending to be D.B., the Facebook profile said he would skip class and meet behind the school to perform oral sex on the student if he would send a picture of his penis. After the penis picture was sent, the Facebook profile asked for a picture of the student "jerking off" in the mirror.

On December 5, 2013, your Affiant met with Foster and D.B., at their residence in Flagler County. D.B., stated she reviewed the Facebook profile and recognized at least 30 to 40 people under the age of 18 which were Facebook friends with the fictitious Facebook profile. D.B., later stated she did not create the Facebook profile nor did she authorize Stavris to create it.

On December 6, 2013, a digitally recorded controlled telephone call was placed by Foster to Stavris. During the controlled telephone call, Stavris admitted he created the Facebook profile. Stavris acknowledged he sent one picture of naked breasts to someone through the Facebook profile. Foster commented to Stavris that he posed as D.B., and asked her classmate for a picture

of his penis, then received the picture of the penis. Stavris' response was that "people never said nothing to her (D.B.). Ever."

On December 11, 2013, based on the investigation, your Affiant obtained a search warrant for the Facebook username <http://Facebook.com/dallas.brown.5891> from November 2012 to November 2013. The search warrant was reviewed and signed by Flagler County Circuit Court Judge Dennis Craig. Your Affiant then executed the search warrant on Facebook Inc. per Facebook's law enforcement records request protocol.

On December 19, 2013, your Affiant received from Facebook Inc. the results of the search warrant on Facebook username <http://Facebook.com/dallas.brown.5891> from November 2012 to November 2013.

Upon reviewing the results, your Affiant saw that the Facebook account was created on November 25, 2012 and the following information was used in creating it:

Name: [REDACTED]

City/State: Palm Coast, FL

DOB: [REDACTED]

Email address: [REDACTED]

In addition, your Affiant also made note of the following information from the Facebook search warrant results:

On April 27, 2013 at 03:59 hours UTC, the Facebook profile and [REDACTED] became Facebook friends. On that date, the Facebook profile and [REDACTED] began messaging through Facebook. During these messages, the Facebook profile asked if [REDACTED] knew who he was messaging. [REDACTED] replied that he did not, but "she" looked familiar. The Facebook profile messaged that "she" was TJ's girlfriend. (Your Affiant was able to confirm D.B.'s boyfriend is [REDACTED] and they have been dating since January 2013.) [REDACTED] then said he remembered "her" and referenced seeing "her" in the lunch line.

On June 10, 2013 beginning at 16:35 hours UTC, the following messages were exchanged between the Facebook profile and Facebook account [REDACTED]:

Facebook profile: Sent a digital image of what appeared to be adult breasts. No message was included. The image was labeled "5557_174883719346407_603443791_n.jpg".

[REDACTED]: "Let me see the face and the tits"

Facebook profile: "When we hang out"

[REDACTED]: "Alright we're you stay at"

Facebook profile: "K section"

[REDACTED]: "Where that's at"

Facebook profile: "By bunnell"

██████████: "Ight let me come over"
Facebook profile: "I'm at the beach lol"
██████████ "I'm talking about later lol"
Facebook profile: "Maybe"
██████████: "Ight and let me see you in a thong or sum"
Facebook profile: "I don't wear thomgs"
██████████: "What you wear"
Facebook profile: "Boy shorts"
██████████ "Let me get one in those"
Facebook profile: "Later" "I can't now"
██████████ "Gigot" "Ight"
Facebook profile: "Show me ur dik"
██████████ "Later when you show me your stuff"
Facebook profile: "Maybe"
██████████: "Alright so if I come would your people let us"
Facebook profile: "Ya"

The above message exchange ended on June 10, 2013 at 17:58 hours UTC. It should be noted the above message exchange is only a part of the messages exchanged between the Facebook profile and ██████████.

On March 4, 2014, your affiant met with the Guidance Director at Flagler Palm Coast High School (FPC), Phil DeAugustino. Mr. DeAugustino confirmed a student named ██████████ attended FPC.

On that date, your affiant met with ██████████ and his father ██████████ at their home located Palm Coast, Flagler County, Florida. ██████████ confirmed he has a Facebook account in the name "██████████" which he created approximately five years ago. ██████████ is unaware of anyone else with a Facebook account utilizing the same name as his. ██████████ was 15 years old at the time the above Facebook messages were exchanged.

On June 10, 2013 at 14:37 UTC, the Facebook profile and ██████████ became Facebook friends. On that date, the Facebook profile and ██████████ began messaging through Facebook. During these messages, the Facebook profile asked if ██████████ knew who he was messaging. ██████████ replied that he did and that they had previously had science class together.

On October 22, 2013 beginning at 23:42 UTC, the following messages were exchanged between the Facebook profile and Facebook account ██████████:

Facebook profile: "I wanna see a pic of u getting head"
██████████ "whos gonna give me the head ?"
Facebook profile: "I will when we hang out but I'm sure you've taken a pic

before”

██████████: “ohkaay. and what you wanna pic of my dick ?”

Facebook profile: “Ya and a girl”

██████████ “idk if i can get a girl that would let me take a pic doin that to me lol
but your bi ?”

Facebook profile: “Ya and I know u got pics in your phone of other giels”

██████████ “thats wassup, and used to i deleted them”

Facebook profile: “U don’t have any”

██████████ “not no moree”

The above message exchange ended on October 22, 2013 at 23:49 UTC. It should be noted the above message exchange is only a part of the messages exchanged between the Facebook profile and ██████████

On March 4, 2014, your Affiant met with the Guidance Director at Flagler Palm Coast High School (FPC), Phil DeAugustino. Mr. DeAugustino confirmed a student named ██████████ attended FPC.

On that date, your Affiant met with ██████████ and his mother ██████████ at their home located in Palm Coast, Flagler County, Florida. ██████████ confirmed he has a Facebook account in the name ██████████ which he created approximately four or five years ago. ██████████ is unaware of anyone else with a Facebook account utilizing the same name as his. ██████████ was 16 years old at the time the above Facebook messages were exchanged.

On March 26, 2013 at 01:28 hours UTC, the Facebook profile and ██████████ became Facebook friends. On that date, the Facebook profile and ██████████ began messaging through Facebook. During these messages, ██████████ asked the Facebook profile if “she” went to Buddy Taylor Middle School (BTMS). The Facebook profile stated “she” was a freshman at Flagler Palm Coast High School (FPC).

On June 10, 2013 beginning at 15:23 hours UTC, the following messages were exchanged between the Facebook profile and Facebook account ██████████

Facebook profile: “So have you ever gotten head before”

██████████ “it depends” “have you given it before”

Facebook profile: “Ya”

██████████ “ohh”

Facebook profile: “So have u”

██████████ “yeah”

Facebook profile: “So send me a pic a girl sent you I’m bi”

██████████ “no”

Facebook profile: “Y”

██████████ "thats weird"

The above message exchange ended on June 10, 2013 at 15:42 hours UTC. It should be noted the above message exchange is only a part of the messages exchanged between the Facebook profile and ██████████

On March 4, 2014, your Affiant met with the Guidance Director at Flagler Palm Coast High School (FPC), Phil DeAugustino. Mr. DeAugustino confirmed a student named ██████████ ██████████ attended FPC.

On that date, your Affiant met with ██████████ and his mother ██████████ at their home located in Palm Coast, Flagler County, Florida. ██████████ confirmed he has a Facebook account in the name ██████████ which he created approximately two and a half years ago. ██████████ is unaware of anyone else with a Facebook account utilizing the same name as his. ██████████ was 14 years old at the time the above Facebook messages were exchanged.

Your Affiant also found in the Facebook search warrant results that between December 1, 2012 and December 3, 2012, the Facebook profile exchanged messages with the Facebook account "██████████". During this message exchange, the Facebook profile stated "Can I see ur dik" and "Can u take a pic of it now". The Facebook profile stated "she" might give "some head" if he sent the picture. ██████████ sent a picture of a black male's post-pubescent erect penis. The Facebook profile directed ██████████ on how to send the picture through Facebook. Upon receiving the picture, the Facebook profile then asked him to "Take a pic of u jerking it". No other pictures were exchanged. It should be noted that these message exchanges are only a part of the messages exchanged between the Facebook profile and ██████████

Pursuant to the investigation, ██████████ was identified as ██████████ ██████████ At the time of the above message and picture exchanges, ██████████ had turned 18 years of age on October 10, 2012 and was enrolled at FPC.

Your Affiant spoke with D.B. who affirmed she did not send or authorize any of the above stated messages sent from the Facebook profile.

Based on the foregoing, your Affiant believes there is probable cause to believe that the suspect did knowingly compile, enter into, or transmit by use of a computer, any notice, statement, or advertisement of any minor's name, telephone number, place of residence, physical characteristics, or other descriptive or identifying information for purposes of facilitating, encouraging, offering, or soliciting sexual conduct of or with any minor, or the visual depiction of such conduct, a violation of Florida State Statute 847.0135(2)(a). Your Affiant also believes

there is probable cause to believe that the suspect did willfully and without authorization fraudulently use, or possess with intent to fraudulently use, personal identification information, to wit: [REDACTED] concerning an individual without first obtaining that individual's consent, a violation of Florida State Statute 817.568(2)(a).

Affiant, Veronica B Edwards # 1149
Veronica Edwards, Special Agent
Agency: Florida Department of Law Enforcement